S.B.Cr.Misc. 2nd Bail App. No.2328/2006

(Vimal Kumar vs. State of Rajasthan)

Date of order : 10.10.2006

HON'BLE MR.H.R.PANWAR,J.

Mr.M.K.Garg, for the petitioner.
Mr.Ashok Upadhyaya, Public Prosecutor.
Mr.Pradeep Choudhary, for complainant.

Heard learned counsel for the petitioner and the Public Prosecutor for the State as also the counsel appearing for the complainant.

The earlier bail application came to be dismissed on 10.3.2006 and the trial court was directed to the expedite the trial by taking up the case day-to-day and calling the witnesses since the witnesses have already been examined in the case in which co-accused have been tried. It appears from the various order-sheets of the trial court shown by the learned counsel for the petitioner that the material witnesses have not been appearing and lastly on 29.9.2006, it was the counsel for the complainant, who undertook to produce the witnesses, which have not been produced for making statement before the trial court. This shows that deliberately the witnesses have not been

appearing. The witnesses so far examined did not implicate the present petitioner.

Without commenting on the merit of the case, which may prejudice the case of either party at the trial, having considered the totality of facts and circumstances of the case and taking into account the oral arguments advanced by both the parties, I think it just and proper to enlarge the accused petitioner on bail.

Accordingly, this bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Vimal Kumar s/o Rameshwar be released on bail in FIR No.215/1997 P.S. Kote-gate, Bikaner provided he furnishes a personal bond in a sum of Rs.20,000/- with two sound and solvent sureties in the sum of Rs.10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR),J.

m.asif/-